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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,309	12/05/2003	Gregory M. Dobbs	965-009 Con2	2175
20874	7590	01/18/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			FLANIGAN, ALLEN J	
		ART UNIT		PAPER NUMBER
				3753

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

01132005

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Commissioner for Patents

The reply filed on 12/02/2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's response is not fully responsive because the applicant has failed to clearly identify the species elected. Applicant has designated certain claims as elected, but the elected species must be identified by the mutually exclusive characteristics (i.e. which Figure or Figures show the particular embodiment corresponding to the elected species), not by claims. Claims are never species. MPEP 806.04(e). Claim 43, for example, may be limited to a single embodiment (Figs. 7-10 embodiment), but the applicant must identify the embodiment elected according to the identifying characteristics set forth in the election requirement (i.e. "Applicant elects the heat exchanger embodiment of Figs. 7-10"). Applicant is then required to list all claims they believe to read on the elected embodiment.

Applicant is required to elect one heat exchanger configuration species (one of Fig. 3, Fig. 4, Fig. 6, Figs. 7-10, Figs. 14-17, and Figs. 22-24) and one membrane sheet species (one of Fig. 11, Fig. 13, Fig. 18, Fig. 19, Fig. 20, and Fig. 21) and then list any claims the applicant believes to be readable thereon. For example, the response should state, "Applicant hereby elects the heat exchanger configuration of Fig. \_\_\_, and the membrane sheet species of Fig. \_\_\_. Claims \_\_\_ are believed to be either generic or readable on the elected species." See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Allen J. Flanigan  
Primary Examiner  
Art Unit: 3753